

## **REMARKS**

Applicants thank the Examiner for consideration of the present application. This response is filed contemporaneously with the filing of a Request for Continued Examination. Applicants have carefully reviewed the Final Office Action dated February 3, 2011 (hereinafter “the Office Action”). Claims 1-3, 5-13, 15-25, and 27-33 are believed to be pending in this application. Each of the pending claims 1-3, 5-13, 15-25, and 27-33 stands rejected in the Office Action. In the present response, claims 1, 6, 7, 11, 13, 18, 23, 29, and 32 have been amended. Additionally, claims 5, 15, and 27 have been cancelled without prejudice or disclaimer of subject matter. Applicants respectfully request reconsideration of the present application in light of the amendments indicated above and the remarks presented below.

### **I. TELEPHONIC INTERVIEW**

Applicants thank Examiner Truvan for the courtesies extended to Applicants’ representative during the telephonic interview of May 24, 2011. During that interview, the cited references and the present rejections under 35 U.S.C. § 103(a) were discussed. Additionally, claim amendments similar to the ones presented herein were discussed. The Examiner initially indicated that such amendments would overcome the current rejections.

Applicants again thank Examiner Truvan for her time and willingness to discuss this rejection.

### **II. 35 U.S.C. § 103(a) REJECTIONS**

Each of claims 1-3, 5-13, 15-25, and 27-33 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,505,048 issued to Moles et al. (hereinafter “Moles”) in view of U.S. Patent No. 6,571,279 issued to Herz et al. (hereinafter “Herz”). It is well settled that the analysis required under 35 U.S.C. § 103(a) must be resolved on the basis of the factual inquiries outlined in *Graham v. John Deere, Co.*, 383 U.S. 1, 148 USPQ 459 (1966); *see KSR v.*

*Teleflex*, 127 S.Ct. at 1740. The *Graham* Court stated that as part of any analysis under Section 103,

the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or nonobviousness of the subject matter is determined.

148 USPQ at 467. The analysis of obviousness therefore requires an inquiry into the scope and content of the prior art and, more particularly, an inquiry into whether the prior art discloses all of the elements of the claimed invention. For at least the following reasons, Applicants respectfully submit that the cited references fail to render claims 1-3, 5-13, 15-25, and 27-33 unpatentable.

**A. Independent Claim 1**

The Office Action asserted at pages 7 and 8 that the proposed combination of Moles and Herz disclosed all of the recited features of independent claim 1. Applicants respectfully disagree. However, in the interest of expediting prosecution of the present application, Applicants have amended independent claim 1 to clarify that a pop-up dialog box comprising an individually selectable list of location properties is provided if privacy preferences associated with the requestor have not been specified. More specifically, independent claim 1 has been amended to recite, in part,

if privacy preferences associated with the requestor have not been specified, the computing device *(i) providing a pop-up dialog box that comprises the plurality of location properties in an individually selectable list, and (ii) requesting specification of the privacy preferences associated with each of the plurality of location properties for the requestor from the user*, wherein the privacy preferences indicate location properties to be shared with and/or blocked from the requestor.

(emphasis added). In the May 24, 2011 teleconference, the Examiner initially agreed that the cited references failed to disclose at least those features. Accordingly, Applicants respectfully request that the Section 103 rejection of amended claim 1 be withdrawn.

#### **B. Independent Claim 7**

The Office Action rejected independent claim 7 under a rationale similar to that asserted with regard to independent claim 1. Specifically, the Office Action asserted at pages 9-12 that Moles and Herz disclose all of the recited features of independent claim 7. Applicants respectfully disagree. However, in order to expedite prosecution of the present application, Applicants have amended independent claim 7 to clarify that *each* location property of the plurality of location properties corresponds to *a different characteristic of a location* of the computing device. That is, each location property describes a different location attribute (e.g., latitude, longitude, altitude, city, state, zip, etc.) of a location. Additionally, Applicants have further amended independent claim 7 to clarify that *each* location property corresponds to a different privacy preference (e.g., a single privacy preference for each location). In particular, independent claim 7 has been amended to recite, in part,

receiving, by the computing device, a request for one or more location properties from a first requestor of a plurality of requestors, *wherein each of the one or more location properties corresponds to a different characteristic of a location of the computing device*; preventing the one or more location properties from being provided to the first requestor if the user has disabled location-aware computing; if the user has enabled location-aware computing and if a privacy preference has not been specified for *each of the one or more requested location properties for the first requestor*, requesting specification of the privacy preference for each of the one or more location properties not specified for the first requestor from the user, wherein *each privacy preference* indicates whether *a separate location property* is to be shared with and/or blocked from the first requestor

(emphasis added). During the May 24, 2011 teleconference, the Examiner initially agreed that the cited references failed to disclose at least those features. Accordingly, Applicants respectfully request that the current Section 103 rejection of amended claim 7 be withdrawn.

### **C. Independent Claim 13**

The Office Action asserted at pages 13-16 that the proposed combination of Moles and Herz disclosed all of the recited features of independent claim 13. Applicants respectfully disagree. However, in order to expedite prosecution of the present application, Applicants have amended independent claim 13 to clarify that *each* location property describes a location in a *different degree of detail*. Additionally, Applicants have further amended independent claim 13 to clarify that (i) *each* location property is associated with a separate privacy preference, and (ii) a pop-up dialog box comprising an individually selectable list of location properties is provided if privacy preferences associated with the *URL of the requestor* have not been specified. More specifically, independent claim 13 has been amended to recite, in part,

in response to receiving a request from a requestor for one or more location properties, determine whether privacy preferences associated with the requestor have been specified *based on a Universal Resource Locator (URL) of the requestor*, wherein *each of the one or more location properties is associated with a different privacy preference* and describes a location in a *different degree of detail*; if privacy preferences associated with the URL of the requestor have been specified, applying each privacy preference to determine whether to provide the one or more requested location properties or withhold the one or more requested location properties; and if privacy preferences associated with the URL of the requestor have not been specified, (i) *provide a pop-up dialog box that comprises an individually selectable list of the one or more location properties*, and (ii) request specification of a privacy preference for each of the one or more location properties provided *via the pop-up dialog box* for the requestor from the user, wherein the privacy preferences indicate location properties to be shared with and/or blocked from the requestor.

(emphasis added). In the May 24, 2011 teleconference, the Examiner initially agreed that the cited references failed to disclose at least those features. In view of at least the foregoing, Applicants respectfully request that this rejection of amended claim 13 be withdrawn.

**D. Independent Claim 18**

Independent claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Moles in view of Herz. More specifically, the Office Action asserted at pages 16-19 that the proposed combination disclosed all of the features recited in independent claim 18. Applicants respectfully disagree with that assertion. However, in the interest of expediting prosecution of the present application, Applicants have amended independent claim 18 to clarify that (i) *each* location property is associated with a separate privacy preference, and (ii) *each* location property describes a location using a *different level of granularity*. In particular, independent claim 18 has been amended to recite, in part,

if the computing device is enabled for location-aware computing, determining whether a privacy preference has been *specified for each location property* of a plurality of location properties for the requestor, *each location property* of the plurality of location properties describing the location of the computing device at *a different level of granularity*; if the privacy preference for each location property of the plurality of location properties for the requestor has been specified, applying each privacy preference of each location property to determine whether to provide the location property or withhold the location property; and if the privacy preference for each location property of the plurality of location properties for the requestor has not been specified, *individually requesting the privacy preference for each of the plurality of location properties not specified* for the requestor, wherein each privacy preference for each location property of the plurality of location properties indicates particular location information to be shared with and/or blocked from the requestor.

(emphasis added). During the teleconference of May 24, 2011, the Examiner initially agreed that the cited references failed to disclose at least those features. Accordingly, Applicants respectfully request that the current Section 103 rejection of amended claim 18 be withdrawn.

**E. Independent Claim 23**

The Office Action asserted at pages 20-23 that Moles and Herz disclose all of the recited features of independent claim 23. Applicants respectfully disagree with that assertion. However, in the interest of expediting prosecution of the present application, Applicants have amended independent claim 23 to clarify that (i) *each* location property describes a location in a *different level of specificity*, and (ii) a pop-up dialog box comprising an individually selectable list of location properties is provided if privacy preferences have not been specified. In particular, independent claim 23 has been amended to recite, in part,

in response to receiving a request for a location associated with the system from a requestor, determine whether privacy preferences associated with a plurality of location properties have been specified for the requestor, wherein *each location property* of the plurality of location properties describes the location of the system in a *different level of specificity*; if the privacy preferences have been specified, apply each privacy preference to determine whether to provide or withhold the requested location property; and if privacy preferences associated with the plurality of location properties have *not been specified* for the requestor, *provide a pop-up dialog box to request that the privacy preferences be specified, the pop-up dialog box listing each location property of the plurality of location properties in an individually selectable form*, and wherein the privacy preferences indicate which *location properties* are to be shared with and/or blocked from the requestor.

(emphasis added). During the May 24, 2011 teleconference, the Examiner initially agreed that the cited references failed to disclose at least those features. Accordingly, Applicants respectfully request that this rejection of amended claim 23 be withdrawn.

**F. Independent Claim 29**

The Office Action rejected independent claim 29 under a rationale similar to that asserted with regard to independent claim 1. Specifically, the Office Action asserted at pages 24-28 that the proposed combination of Moles and Herz discloses all of the recited features of independent claim 29. Applicants respectfully disagree with that assertion. In order to expedite prosecution

of the present application, however, Applicants have amended independent claim 29 to clarify that (i) *each* location property describes a *different aspect* (e.g., latitude, longitude, altitude, city, state, zip, etc.) of a location, and (ii) each of the privacy preferences corresponding with each of the location properties are specified for *a particular requestor*. That is, *each requestor* is associated with a separate set of location property privacy preferences. In particular, independent claim 29 has been amended to recite, in part,

receiving, by a computing device, a *query requesting one or more location properties, each location property describing a different aspect of a location*; determining if location aware computing is enabled for the computing device; if the location aware computing is enabled, then determining whether user privacy preferences have been specified for a *particular requestor*; if user privacy preferences have not been specified for the particular requestor, requesting specification of a user privacy preference for *each of the one or more location properties requested*, wherein each privacy preference indicates whether a corresponding location property is to be shared with and/or blocked from the requestor; *based on the particular requestor*, determining whether privacy is indicated for each of the requested one or more location properties; for any of the requested one or more location properties in which privacy is not indicated for the particular requestor, obtaining the requested one or more location properties for which privacy is not indicated and sending the requested one or more location properties for which privacy is not indicated; and for any of the requested one or more location properties in which privacy is indicated for the particular requestor, blocking the requested one or more location properties for which privacy is indicated.

(emphasis added). During the teleconference held on May 24, 2011, the Examiner initially agreed that the cited references failed to disclose at least those features. In view of at least that reason, Applicants respectfully request that the current Section 103 rejection of amended claim 29 be withdrawn.

**G. Dependent Claims 2, 3, 5-12, 15-17, 19-22, 24, 25, 27, 28, and 30-33**

Each of claims 2, 3, 6, 32, and 33 includes independent claim 1 as a base claim; each of claims 8-12 includes independent claim 7 as a base claim; each of claims 16 and 17 includes independent claim 13 as a base claim; each of claims 19-22 includes independent claim 18 as a base claim; each of claims 24, 25, and 28 includes independent claim 23 as a base claim; and each of claims 30 and 31 includes independent claim 29 as a base claim. As such, the rejection of claims 2, 3, 6-12, 16-17, 19-22, 24, 25, 28, and 30-33 should be withdrawn for the reasons hereinbefore discussed. *See In re Fine*, 837 F.2d 1071, 1076 (Fed. Cir. 1988) (“Dependent claims are nonobvious under section 103 if the independent claims from which they depend are nonobvious.”). In light of the reasons for withdrawal of the present rejections of claims 1, 7, 13, 18, 23, and 29, any arguments specific to claims 2, 3, 6-12, 16-17, 19-22, 24, 25, 28, and 30-33 are held in abeyance without prejudice or admission to any assertion made in the Office Action in order to expedite prosecution.

In addition, as indicated above, claims 5, 15, and 27 have been cancelled. As such, Applicants respectfully submit that the Section 103 rejections of those claims are now moot.

**III. CONCLUSION**

In view of the foregoing, it is submitted that this application is in a condition for allowance. Action to that end is hereby solicited. If there are any questions or comments that would expedite prosecution of this application, the Examiner is invited to call the undersigned at (317) 261-7959.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response. The Commissioner is hereby authorized to charge the fee for the Request for Continued Examination



and for such Petition, if needed, and any shortage of fees, and credit any overpayment of fees, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 with reference to file 45631-216299.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Glen Kellett", is written over a horizontal line. The signature is fluid and cursive.

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